



Testimony of Jeffrey D. Padden: *House Bills 4497-4499*

**Before the House Judiciary Subcommittee on
Corrections Reform
February 24, 2010**

I am Jeff Padden, President of Public Policy Associates, Incorporated, a national public policy research firm located in Lansing, Michigan. I served as a member of the Michigan House of Representatives for 10 years, from 1975 through 1984, and chaired the Committee on Corrections for eight of those years.

Today, I speak as a part of the Michigan Prisoner ReEntry Initiative. The MPRI is led by a unique public/private team comprised of the Michigan Department of Corrections (MDOC), the Michigan Council on Crime and Delinquency (MCCD), and my firm. This partnership reflects an important attribute of the MPRI: its openness to perspectives, information, and insights from outside the MDOC.

The central purpose of the MPRI is to improve public safety, to reduce the incidence of new crime committed by prisoners returning to Michigan communities. Recent data from the MDOC suggest that the return-to-prison rate has declined substantially, which is very positive news. Fewer parolees are returning to prison due to convictions for new crimes.

House Bills 4497, 4498, and 4499 would re-create a system of rewarding good behavior by prisoners with time off their minimum sentences. It is important to note that this system

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would not trigger release of any prisoners; it simply makes them eligible sooner for consideration by the Parole and Commutation Board.

As a legislator, I never supported the elimination of Good Time, so I support these bills to reinstate it in some form. My comments today, however, focus on the relationship between these bills and the MPRI.

The number of prisoners housed by any state is arbitrary, but not accidental. It is the result of policy decisions by the legislature, the executive branch, and the courts. It is also driven by policies and practices of police agencies and prosecutors.

Beginning in the 1970s, public policy in Michigan lurched toward dramatic increases in prison population and cost. In 1975, the budget for the MDOC was under \$240 million (in 2010 dollars) and the number of prisoners in secure beds was about 8,500. Today, its budget is about \$2 billion and, until very recently, the system housed over 51,000.

Would anyone argue that these dramatic increases have protected the public better? Would anyone argue that they are worth the money that the state has spent?

The bills under consideration today address those questions.

Individual prisoners have far different propensities for future crime from one another, and it is possible to substantially reduce the propensity to reoffend, especially among medium- to high-risk prisoners. Two decades of research predicts that if issues like employability, substance abuse, mental health, and housing are addressed, the likelihood of a prisoner committing new crimes after release diminish somewhat. The big payoff comes, however, when cognitive issues are attended to as those other issues are addressed. This means that if the picture an offender has of himself or herself changes, then behavior changes. The research is very clear on this point, and it also points the way to what works.

The Michigan Prisoner ReEntry Initiative was based on this research. It is a smarter approach to crime and punishment than we could devise during my tenure in the legislature, because that research did not exist at that time. It focuses very sharply on reducing risk to the public by changing the odds that a prisoner will reoffend. By assessing the individual risk factors of each prisoner, tailoring in-prison programming

to reduce those risks, and creating smooth transitions to community supervision and services to continue to reduce risk, the MPRI uses the research to improve public safety, and the results to date speak for themselves.

The effect on long-term crime trends is far more dependent on the likelihood of an offender being identified, apprehended, convicted, and punished than on the length of sentence imposed or served. Investments, therefore, in putting more cops on the street are more likely to reduce crime than long sentences for all offenders. Sending a large number of offenders to prison for relatively short sentences is far more effective than sending a small number away for a long time. My hope is that the legislature, prosecutors, judges, and the Michigan Parole and Commutation Board will take this into account in their practices.

The Good Time bills, though, affect only the Board. In making parole decisions, the Board looks at the best information available to decide when it is prudent to release each individual prisoner. The MPRI has made it possible for the Board to issue some paroles sooner than in the past, because the board members can see risks and progress much more clearly. The reduction in new crimes by parolees shows that the Board's decisions have improved in recent years.

I believe that, using these same tools and supported by the MPRI, the Board's decisions will continue to be prudent. The result will be a somewhat smaller prison system and dramatic cost savings, while the public will be well-protected.

That protection will never be perfect. Police and prosecutors cannot prevent every crime by new offenders any more than the prison system can prevent them by parolees. Some first-time offenders and former prisoners commit horrific crimes. Whether or not House Bills 4497, 4498, and 4499 are enacted, that will continue to be true. The MPRI, however, can continue to reduce the odds that those cases will occur. If the prison system continues to shrink, investing some of the cost savings in better crime prevention will serve the cause of public safety far better than returning to the reckless trend of more prison beds at any cost.

Thank you for this opportunity to speak.

